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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff vs. (1) Scott A. WILSKE, (2) Jesus Humberto BELTRAN (3) Luis LIZARRAGA-Rocha, (4) Mario FLORES-Araujo, (5) Robert Edward TORRES Defendant.	~~Magistrate's Case~~ Number: COMPLAINT FOR VIOLATION OF: Title 21, United States Code Section(s) 952 and 960- Importation of a Controlled Substance (Felony); Title 18, United States Code Section 2- Aiding and Abetting (Felony)

The undersigned complainant being duly sworn states:

That on or about July 15, 2008, within the Southern District of California, defendant Scott A. WILSKE, Jesus Humberto BELTRAN, Luis LIZARRAGA-Rocha, Mario FLORES-Araujo, and Robert Edward TORRES did knowingly and intentionally import or knowingly assisted with the import of approximately 4,883 pounds (2,219 kilograms) of marijuana, a schedule I controlled substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960 and Title 18, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, incorporated herein by reference.

Signature of Complainant
Task Force Officer
U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence this 17th day of July, 2007.

UNITED STATES MAGISTRATE JUDGE

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

STATEMENT OF FACTS

I, Task Force Officer for United States Immigration and Customs Enforcement (ICE), Michael P. Rich, declare under the penalty of perjury, the following is true and correct:

These facts are based on my personal participation in this investigation and on written statements received from other law enforcement officers. I submit that the facts contained in this statement demonstrate that probable cause exists to believe that the Defendant named in the attached complaint committed the crimes charged in the complaint.

On July 15, 2008, at approximately 1820 hours, Scott A. WILSKE entered the United States from Mexico via vessel. WILSKE was in-tow by a commercial tow company and brought to the United States Customs Dock on Shelter Island, San Diego, CA at approximately 1915 hours. Upon arrival at the Customs dock, ICE Marine Task Force (MTF) Agents received a negative customs declaration from WILSKE.

During the inspection of the vessel, ICE MTF Agents discovered a non-factory hidden compartment located in the roof. Within this compartment, MTF Agents discovered 203 large bricks of marijuana, found to weigh approximately 4,883 pounds (2,219 kilograms). MTF Agents arrested WILSKE upon discovery of the narcotics.

During the inspection of the vessel, ICE MTF Agents became suspicious of two individuals standing at the top of the ramp overlooking the Customs dock interested in the search that was taking place onboard the vessel. These individuals would later be identified as Mario FLORES-Araujo and Jesus Humberto BELTRAN Russel. FLORES and BELTRAN had been seen exiting a white Sport Utility Vehicle (SUV) further away from the Customs Dock and walking towards the Customs Dock. After overlooking the search, surveillance units noticed FLORES and BELTRAN return to the white SUV and drive around Shelter Island. The white SUV drove through the Customs Dock parking lot on at least two (2) occasions.

MTF Agents believed that FLORES and BELTRAN were involved with the vessel and the narcotics onboard. Due to the suspicious nature of FLORES and BELTRAM, and the apparent counter surveillance, MTF Agents, with the assistance of San Diego Harbor Police Officers, initiated a traffic stop of the white SUV. Within the white SUV was FLORES, BELTRAN, Robert Edward TORRES and Luis Roberto LIZARRAGA Rocha. FLORES, BELTRAN, TORRES and LIZARRAGA along with WILSKE, were detained for questioning and transported to the San Ysidro, CA Port of Entry.

Post Miranda, WISLKE stated to MTF Agents that he was hired by "Turu" to smuggle marijuana by vessel from Mexico into the United States. WILSKE stated that he was aware the marijuana he was to smuggle was hidden in a compartment within the roof of the vessel. WILSKE added that he was to be paid $70,000.00 (unknown whether dollars or pesos) to smuggle the narcotics from Mexico to the United States.

WILSKE was provided photographs of BELTRAN, FLORES, TORRES, and LIZARRAGA and was able to positively identify them. WILSKE identified picture number 4 as "Turu" (BELTRAN) and stated that "Turu" had provided money to "Seatow" (towing company) in Mexico to bring the vessel to the United States and had offered WILSKE money to smuggle the narcotics to the United States. In addition, WILSKE stated that "Turu" (BELTRAN) had been the captain of the vessel from Topolobampo, Mexico to Las Salinas, Mexico just before the vessel was to be towed into the United States. WILSKE identified picture number 2 as Mario FLORES and noted that FLORES knew narcotics were onboard the vessel and was assisting with the smuggling attempt by translating and providing parts for the vessel. WILSKE identified picture number 3 as "Bobby" (TORRES), and claimed that "Bobby" was the owner of the vessel (Robert NAVARRO) and that he knew there was narcotics onboard the vessel. WILSKE identified picture number 5 as "Roberto" (LIZARRAGA), and claimed "Roberto" was assisting with the transport of vessel parts prior to the smuggling attempt. WILSKE described "Roberto" as a "gopher" for anything needed for the smuggling attempt and added that "Roberto" was aware of the narcotics onboard the vessel. WILSKE added that "Turu", "Bobby", Mario, and "Roberto" were within the area of Shelter Island to assist with "Seatow" and finding a slip for the vessel.

Post Miranda, FLORES stated that he was aware that narcotics were onboard the vessel. FLORES claimed that he was hired by "Jesus" to repair and do fiberglass work on the vessel for $10,000.00. FLORES added that he was to act as a translator with "Seatow" for "Jesus". MTF Agents provided FLORES with photographs of WILSKE, BELTRAN, LIZARRAGA, and TORRES. FLORES identified "Jesus" (BELTRAN) in photograph number 4. FLORES identified "Scott" (WILSKE) in photograph number 1. FLORES identified "Roberto" (LIZARRAGA) in photograph number 5.

Post Miranda, TORRES initially invoked his rights to an attorney. TORRES then stated to MTF Agents that he wished to speak with them and wrote a statement claiming that he wished to speak with Agents after initially invoking. TORRES stated that he had crossed into the United States earlier that day and had placed a call to "Seatow" for "Mario" (FLORES). TORRES added that he had also acted as a translator with "Seatow" during the vessels tow.

Post Miranda, BELTRAN and LIZARRAGA declined to waive their rights and did not make any statements.

Department of Homeland Security
Customs & Border Protection
San Diego Air & Marine Branch
Bldg. 1480 N.A.S.N.I.
San Diego, CA 92135

DATE: July 17, 2008

On July 15, 2008, at approximately 1800, Customs and Border Protection (CBP), Office of Air and Marine, Marine Interdiction Agents (MIA) Tim Feige and Adam Connerton were conducting a surveillance operation aboard M-303302 in support of Immigration and Customs Enforcement (ICE) Marine Task Force (MTF). MTF was attempting to locate a catamaran vessel bearing the name Sea Explorer. Agents Feige and Connerton were in a stationary at position N32.32.4 W117.10.0. scanning the sea border by binoculars. At approximately 1820, MIAs Feige and Connerton noticed a large catamaran being towed across the United States/ Mexico sea boundary by a commercial tow company at approximately N32.32.0 117.10.0W. Closer inspection revealed that the Catamaran being towed had the name Sea Explorer stenciled in large letters on the transom. One individual could be seen on the deck of the vessel as it continued north. After visual confirmation MIAs Feige and Connerton immediately notified MTF. M303320 maintained visual contact from a distance to ensure that the status of the vessel did not change during transit into San Diego Bay. At approximately 1915, MIAs Feige and Connerton watched as the Sea Explorer arrived at the United States Customs dock in San Diego bay, where it was met by Customs and Border Protection officers and MTF agents.

Statement by Marine Interdiction Agent Tim Feige [signature]

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U.S. Customs and Border Protection

July 15, 2008

On July 15, 2008 at approximately 1800 Customs and Border Protection Marine Interdiction Agents Tim Feige and Adam Connerton were conducting surveillance on board Customs vessel M303320 in position N32.32.4 W117.10.0 in order to assist the Immigration Customs Enforcement (ICE) Marine Task Force (MTF) in locating a vessel bearing the name "Sea Explorer." At approximately 1820 Agents Connerton and Feige observed a commercial tow vessel towing a large Catamaran across the International Sea Border at position N32.32.0 W117.10. Upon visual inspection of the vessel Agent Connerton confirmed that the Catamaran being towed was named "Sea Explorer" and appeared to have one occupant on board. After notifying the ICE Marine Task Force of visual confirmation, M303320 maintained surveillance from a distance to ensure that the status of the vessel did not change while in transit to San Diego Bay. At approximately 1915, the "Sea Explorer" arrived at the Customs dock on Shelter Island where it was met by ICE Marine Task Force Agents.

Adam Connerton